

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DOUGLAS WISEMAN,

No. 08-11879

Plaintiff,

District Judge Bernard A. Friedman

v.

Magistrate Judge R. Steven Whalen

UNITED DISTRIBUTIVE WORKS  
COUNCIL 30, ET.AL.,

Defendant.

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**ORDER EXTENDING SUMMONS AND  
DIRECTING SERVICE BY U.S. MARSHAL**

On November 24, 2008, the Court ordered Plaintiff to show cause why Defendant United Distributive Works Council 30 should not be dismissed for failure to timely serve a complaint and summons.<sup>1</sup> Plaintiff filed a written answer to the show cause order [Docket #11], stating that he was granted *In Forma Pauperis* (IFP) status, and therefore is entitled to service by the Court. I construe his answer as a motion to Marshal's service and a motion to extend the summons.

Because Plaintiff was granted IFP status pursuant to 28 U.S.C. § 1915, under Fed.R.Civ.P. 4(c)(3), he is entitled to service by the United States Marshal.

Further, pursuant to Fed.R.Civ.P. 4(m), the Court will extend the time for service

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<sup>1</sup>Defendant Awrey Bakeries was served, and has filed an answer.

of the summons and complaint 60 days from the date of this Order.<sup>2</sup> Accordingly,

IT IS ORDERED that the time for service of the summons and complaint is extended to 60 days from the date of this Order.

IT IS FURTHER ORDERED that, within 7 days of the date of this Order, Plaintiff shall file with the Court the address of Defendant United Distributive Works Council 30.

IT IS FURTHER ORDERED that the United States Marshal's Service shall serve Defendant United Distributive Works Council 30 with the summons and complaint.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: December 15, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on December 15, 2008.

s/G. Wilson  
Judicial Assistant

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<sup>2</sup> Rule 4(m) states:

“...the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant *or direct that service be effected within a specified time*; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.” (Emphasis Added).